

PCT

SUBSTITUTE PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
21016-002US1

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.55)  
**10/580868**

INTERNATIONAL APPLICATION NO.  
PCT/AU2004/001633

INTERNATIONAL FILING DATE  
24 November 2004

PRIORITY DATE CLAIMED  
24 November 2003

**TITLE OF INVENTION**

Ice Recrystallisation Inhibition Protein or Antifreeze Proteins from Deschampsia, Lolium and Festuca Species of Grass

APPLICANT(S) FOR DO/EO/US SPANGENBERG, German, JOHN, Ulrik, Peter, POLOTONIANKA, Renata, Martina

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 C.F.R. 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.51) <div style="font-size: 24pt; font-weight: bold; text-align: center;">107580868</div>		INTERNATIONAL APPLICATION NO. PCT/AU2004/001633		ATTORNEY'S DOCKET NUMBER 21016-002US1		
20. Other items or information: Postcard 10 pgs. IPRP 3 pgs. International Search Report 71 pgs. sequence listing						
The following fees have been submitted				CALCULATIONS    PTO USE ONLY		
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.192(a))..... \$300						
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200						
23. <input type="checkbox"/> Search fee (37 CFR 1.92(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations..... \$500						
<b>Total of 21, 22 and 23 =</b>						
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
-100 =	/50=		X \$250			
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 C.F.R. 1.492(h)).						
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims		- 20 =		x \$50		
Independent Claims		- 3 =		x \$200		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$300		
<input type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. 1.27. Fees above are reduced by 1/2.						
<b>SUBTOTAL =</b>				\$300		
Processing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(i))						
<b>TOTAL NATIONAL FEE =</b>				\$300		
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property						
<b>TOTAL FEES ENCLOSED =</b>				\$300		
				Amount to be refunded:		
				Amount to be charged:		


'1P9 Rec'd PCT/PTO 24 MAY 2006'

- a. ☒ A check in the amount of \$300.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 C.F.R. 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

PTO Customer No: 26181

 Reg. NO. 44,164  
SIGNATURE  
For Mary Ann Dillahunt  
NAME  
34,576  
REGISTRATION NUMBER